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Supreme Court, U.S.
FILED

011138 JAN 26 2002

OFFICE OF THE CLERK

DOCKET NO: _____

In The
SUPREME COURT of the UNITED STATES

IRA W. SCOTT,

Petitioner,

v.

INDIANA SUPREME COURT,

Respondent.

On Petition For a Writ Of Certiorari

To The Washington Supreme Court

Ira W. Scott
Petitioner
407 Center Street
Valparaiso, IN 46385
(888) 273-4152
Pro Se

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11 pp

QUESTIONS PRESENTED

An original action petition for a writ of mandamus to the Indiana Supreme Court, Ira W. Scott – Relator Pro Se, Docket No: 64500-0111 or 598. The issue for the writ of mandamus to the Indiana Supreme Court was as follows:

"Whether or not the Attorney General of Indiana committed fraud upon the Court in the Indiana Third District Court of Appeals under cause number 64D01-8805-CF-76-B and in the Seventh District Court of Appeals, Northern District of Indiana, Hammond Division under cause number 2:96-CV-0001-AS."

1. Should Petition for a writ of mandamus be dismissed by the Indiana Supreme Court because Relator sought an inappropriate remedy when, in the writ, the Relator only raised the issue of fraud upon the Court and did not ask for a specific remedy?

2. Should an issue of fraud upon the Court be a matter of imperative public and constitutional importance so that a duty to act would be appropriate?

LIST OF PARTIES

Pursuant to Rule 14.1(b), the following list identifies all of the parties to the proceeding in the Washington Supreme Court, whose judgment is sought to be reviewed.

Appellants below:

Ira W. Scott

Respondents below:

Indiana Supreme Court

TABLE OF CONTENTS

QUESTIONS PRESENTED i

LIST OF PARTIES ii

TABLE OF AUTHORITIES iv

OPINIIONS BELOW 1

JURISDICTION 1

CONSTITUTIONAL PROVISION INVOLVED 1

STATEMENT 2

PROCEEDINGS BELOW 2

REASONS FOR GRANTING PETITION 3

CONCLUSION 4

TABLE OF AUTHORITIES

CASES

Note to the Examiner of this Document:

After a diligent search utilizing West's Federal Reporter Editorial Staff Attorney, the result was than no similar case law could be found pertinent to this Writ of Certiorari. The search covered a Federal Jurisdiction and Supreme Court decisions.

PETITION FOR WRIT OF CERTIORARI

Petitioner Ira W. Scott respectfully requests this Court to issue a Writ of Certiorari to review the Judgment Order of the Indiana Supreme Court dismissing the original action on petition for a writ of mandamus, cause number 64500-0111-OR-00598, lower court number: 64D01-8805-CF76B.

OPINIONS BELOW

The Supreme Court of Indiana issued judgment on November 20, 2001. (See Appendix A)

JURISDICTION

The Indiana Supreme Court.

CONSTITUTIONAL PROVISION INVOLVED

The last sentence of the First Amendment of the United States Constitution states, "No State shall ... deprive any person of life, liberty or property without due process of law."

STATEMENT

On or about November 7, 2001, a Petition for a Writ of Mandamus to the Indiana Supreme Court was filed by Ira W. Scott, Relator pro se.

On or about November 20, 2001, an Order dismissing original action was filed with the Clerk of the Indiana Supreme Court under cause number 64S00-0111-OR-598. (Full document can be viewed as Appendix A)

In the Order, the Court states:

"Taking the allegations of the application papers as true, the relator fails to show the respondent trial court has exceeded its jurisdiction or the failure to act when under a duty to act. Original Action Rule 3(A)(3). Because the relator seeks an unquestionably inappropriate remedy under the rules and law governing writs of mandamus or prohibition, this original action is DISMISSED."

PROCEEDINGS BELOW

On December 17, 1997, a Petition for Post-Convictin Relief was filed in the Porter Superior Court, Valparaiso, Indiana, under cause number 64D01-8805-CF-76B in part because of the discovery that the court record did not conform to some of the informations supplied by the Attorney General of Indiana to the Third District Court of Appeals of

Indiana and the Seventh District Court, Northern District of Indiana, Hammond Division.

On January 28, 1999, a Petition for Hearing regarding issues related to the Attorney General arguing outside of the record that were not ruled upon in the January 28, 1999, Order.

On November 7, 2001, a Petition for Writ of Mandamus to the Indiana Supreme Court was filed for the reason of failure to rule by the Porter Superior Court.

On November 20, 2001, an Order Dismissing Original Action was filed with the Clerk of the Indiana Supreme Court of Appeals, cause number 64S00-0111-OR-00598. (Viewed in full as Appendix A)

REASONS FOR GRANTING PETITION

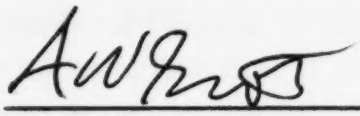
Any fraud acted upon any court should be a matter of imperative public importance that should be aggressively pursued under a duty to act by virtue of the Indiana and United States Constitutions. The Indiana Attorney General or any other public servant arguing outside of the record would tend to mislead the court of decision to the disadvantage of the petitioner and tend to degrade the office of the Attorney General of Indiana, which should be a "higher and better source" to correspond with the Third District Court of Appeals of Indiana and the Seventh United States

District Court, Northern District of Indiana, Hammond Division.

The public servant should not be served by an Attorney General's office that would place arguments outside of the court record in order to keep a wrongful conviction in place.

CONCLUSION

The petition for a writ of certiorari should be granted for reasons hereinabove stated or any and all other reasons as found by this honorable Court.



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Appendix A

IN THE INDIANA SUPREME COURT

Cause No.
64S000111OR598

STATE EX REL. SCOTT, IRA, W., Relator,	)
v.	)
THE PORTER SUPERIOR COURT, And the HONORABLE ROGER W. BRADFORD, as Judge thereof, Respondents.	)

Order Dismissing Original Action

Ira W. Scott, *pro se*, has submitted a "On Petition for a Writ of Mandamus to the Indiana Supreme Court" and accompanying application papers. Relator seeks relief under the provisions of the Rules of Procedure for Original Actions. The relator's pleadings are procedurally deficient in that they do not comply with the rules in many aspects. Most notably, the application papers do not include a certified copy of the record of proceedings. Original Action Rule 3©. However, the Court looks past the procedural defects and addressed the original action request on the merits.

Taking the allegations of the application papers as true, the relator fails to show the respondent trial court has exceeded its jurisdiction or the failure to act

when under a duty to act. Original Action Rule 3(A)(3). Because the relator seeks an unquestionably inappropriate remedy under the rules and law governing writs of mandamus or prohibition, this original action is DISMISSED. The relator is reminded that no petitions for rehearing or motions to reconsider are allowed to be filed. Original Action Rule 5(C).

The Clerk is directed to send a copy of this order to Ira W. Scott, 407 Center Street, Valparaiso, IN 46385; to the Porter Superior Court; to the Honorable Roger W. Bradford; to any counsel of record; and to Steve Carter, Attorney General of Indiana.

Done at Indianapolis, Indiana this 20th day of November, 2001.

/s/ Randall T. Shepard
Randall T. Shepard
Chief Justice of Indiana